

REMARKS

Claims 1, 5-11, 13-18, 27-30, 35 and 36 are pending in the application. The Examiner is requested to reconsider this application in view of the following remarks. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated February 8, 2008.

As to the Merits:

As to the merits of this case, the Examiner reapplys the Rynhart et al. reference (USP 6,340,892, hereinafter “Rynhart”) and applies the newly cited reference of Skidmore et al. (US Patent Application No. 2003/0040934, hereinafter “Skidmore”) in setting forth the following rejection:

claims 1, 5-11, 13-18, 27-30, 35 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rynhart in view of Skidmore.

This rejection is respectfully traversed.

Independent claim 1 calls for *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels*

around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure. Independent claim 11 includes similar features.

It is respectfully submitted that the Examiner's reinstatement of the Rynhart reference for teaching the features of independent claims 1 and 11 as set forth in item 6, page 4, of the Action is completely without merit. That is, it is respectfully submitted that in the Response filed on February 13, 2007, Applicants successfully argued that Rynhart is simply not concerned with taking measurements of moisture content levels around at least one of window frame and at least one of door frame, and along at least one floor, at least one wall, and at least one ceiling, all of which are included within the interior portion of the structure, determining if each of the plurality of the moisture content levels is within a desired level; and issuing a moisture level compliance certificate if it is determined that each of the plurality of measured moisture content levels is below the desired level in order to certify that the interior portion of the structure is free from mold, moisture and any damage thereof that may result from mold or moisture. In response to Applicants' position provided in the Response filed on February 12, 2007, the Examiner correctly withdrew his reliance of the Rynhart reference.

Now, the Examiner asserts in item 6, page 4 of the Action, that Rynhart discloses that moisture content is determined with structural components of an interior of a structure, and specifically relies on the disclosure in column 1, lines 25-26 and column 2, lines 65 through

column 3, line 2 of the reference. However, such disclosure of the Rynhart reference merely indicates that it is a further object of the Rynhart reference to provide for more accurate determination of moisture content, as noted in column 1, lines 25-26, and that a meter 1 is used for measuring moisture in a range of materials including wood, drywall, plaster, brick, roofing and in siding, as noted in column 2, lines 65 through column 3, line 2.

Moreover, while Rynhart may disclose using a meter 1 for measuring the moisture content for a range of different materials, Rynhart fails to include any type of disclosure or teaching regarding a measuring step which includes taking measurements for moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall, and at least one ceiling, all of which are included within an interior portion of the structure, determining if each of the plurality of moisture content levels are within the desired level and issuing a moisture level compliance certificate if the result of the determining step is that each of the plurality of moisture content levels is below the desired level.

The Examiner has failed to specifically rely on any portion of the Rynhart reference which teaches the measuring step which includes taking measurements of the moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall, and at least one ceiling, all of which are included within the interior portion of said structure, and determining if each of said plurality of moisture content levels is within a desired level.

Accordingly, it is submitted Rynhart fails to disclose or fairly suggest the features of claim 1 concerning *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.*

In addition, Applicants submit that the Examiner is practicing Piecemeal Examination of the present application, as evidenced by the Examiner's withdrawal of the Rynhart reference in view of Applicants' persuasive arguments provided in the February 12, 2007 response, and the Examiner's reinstatement of the Rynhart reference without the Examiner providing any type of detailed analysis of the reference with regard to the above-noted features of the claimed invention, as noted above. In addition, Applicants also strongly notes that this is the sixth Office Action issued by the Examiner in this application and the Examiner has failed to present any references which teach the features of the present claimed invention as included in the independent claims 1 and 11.

With regard to the newly cited reference of Skidmore, it is respectfully submitted that such reference fails to cure the above-noted drawbacks and deficiencies of the Rynhart reference.

That is, while Skidmore may disclose that an inspection database 36 is incorporated in the computer readable medium 34, it is submitted that the inspection database 36 fails to include an inspection item that includes information concerning *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.*

Instead, Skidmore discloses in part in paragraph [0020] the following:

Foundation inspection items 40G include information concerning the moisture penetration, wall material, girders, sub-floor, sump pumps for crawl spaces, ventilation, and insulation. . . .

Interior inspection items 40L include information concerning the rooms within the house, the floors and walls, any alarms, the ceiling, and any stairs or doors.

However, while the foundation inspection item 40G may include information concerning the moisture penetration of the foundation, it is submitted that Skidmore fails to disclose measuring a plurality of moisture content levels within an interior portion of the foundation

structure. Instead, it is submitted that a home inspector would merely perform a visual inspection of the foundation to determine if there is penetration of ground moisture in the foundation.

Moreover, it is submitted that Skidmore clearly fails to disclose or fairly suggest that the inspection of the foundation includes a measuring step that *includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure*. That is, it is submitted the foundation inspection items 40G simply does not include information concerning moisture content levels that are measured around a window frame and a door frame, and along a wall and a ceiling.

Further, while the interior inspection items 40L may include information concerning the rooms within the house, the floors and walls, any alarms, the ceiling, and any stairs or doors, Skidmore fails to provide any teaching or suggestion concerning determining the existence of moisture within the rooms of the house, the floors, walls and doors.

As such, it is submitted that Skidmore's silence with regard to moisture existence within the rooms of the house, the floors, walls and doors *teaches away* from one of ordinary skill in art including a measuring step that *includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one*

floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.

In view of the above, it is submitted that even if, assuming *arguendo*, Rynhart and Skidmore can be combined in the manner suggested by the Examiner, such combination would still fail to teach or fairly suggest the features of claim 1 regarding *measuring a plurality of moisture content levels within said interior portion of the structure; determining if each of said plurality of moisture content levels is within a desired level; and issuing a moisture level compliance certificate if the result of said determining step is that each of said plurality of moisture content levels is below the desired level; wherein said measuring step includes taking measurements of said moisture content levels around at least one window frame and at least one door frame, and along at least one floor, at least one wall and at least one ceiling, all of which are included within said interior portion of said structure.*

In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

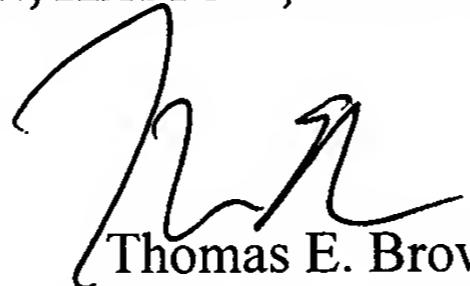
Application No.: 10/621,860
Art Unit: 2856

Response
Attorney Docket No.: 062373

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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